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**Working Group on Firearms**
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**Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations**

**Monitoring illicit trafficking flows in firearms at the national, regional and global levels**

**Challenges and good practices in the prevention of the illicit manufacturing of firearms**

## Challenges and good practices in countering illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and measures to facilitate the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

**Background paper prepared by the Secretariat**

## I. Introduction

1. The open-ended intergovernmental Working Group on Firearms was established pursuant to resolution 5/4 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session, to advise and assist the Conference in the implementation of its mandate with regard to

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the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition[1] (Firearms Protocol). In particular, the Working Group was established to facilitate the implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners, including identifying successful practices, weaknesses, gaps and challenges, as well as priorities and relevant topics, in the fight against trafficking in firearms. The Working Group was also tasked with making recommendations to the Conference on how States parties can better implement the provisions of the Firearms Protocol, on the activities that the Secretariat should perform, and on the development of technical assistance tools relating to the implementation of the Firearms Protocol.

2. The Working Group held its first meeting on 21 to 22 May 2012 in Vienna, and adopted a report containing a wide range of recommendations[2] to enhance firearms control and to strengthen the criminal justice response to prevent and combat firearms trafficking and related crimes. In its resolution 6/2, the Conference took note of these recommendations and requested that the Working Group continue advising and assisting the Conference in the implementation of its mandate with regard to the Firearms Protocol, and further decided that the Working Group should hold at least one intersessional meeting. In the same resolution, the Working Group was invited to consider practical proposals for implementing the recommendations formulated at its first meeting, and encouraged States to present their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification or implementation, as well as on its strong points, good practices and progress made with its application, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. The present paper was prepared by the Secretariat for the consideration of the Working Group during its deliberation of items 2, 3, and 4 of the provisional agenda.

## II. Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters

4. The investigation and prosecution of illicit firearms trafficking is a challenging task for many States. In the report of its first meeting, the Working Group recommended that the Conference should urge States parties that have not yet done so to review and strengthen their criminal legislation and to establish as criminal offences the acts covered by the Firearms Protocol, including by introducing sanctions commensurate with the nature and gravity of the offence.

5. Furthermore, the Working Group recommended, inter alia, that States should aim to strengthen their overall capacities to conduct criminal investigations, share

[1] United Nations, *Treaty Series*.
[2] CTOC_COP_2012_6.

information and good practices in the investigation and prosecution of firearms-related criminality, and enhance international cooperation, including tracing of firearms and ammunition, judicial cooperation and extradition to combat illicit firearms trafficking and its links to organized crime.

6. In resolution 6/2, the Conference further requested UNODC through its global programme on firearms to assist Member States, upon request, in strengthening their capacities to investigate and prosecute illicit manufacturing of and trafficking in firearms and related forms of transnational organized crime, inter alia, through practical workshops and exchanges of experience and direct contact among investigators and prosecutors on the application of the Convention and its Firearms Protocol.

## A. Challenges in the adoption of adequate legislative frameworks

### Multiple legal instruments require comprehensive approaches

7. The international legal regime on firearms consists of a variety of international and regional instruments which have been adopted over the past decades to counter the illicit manufacturing of and trafficking in firearms, including new initiatives aimed at introducing greater controls over the arms trade. This plurality of instruments demonstrates the complex and multidimensional nature of the problem and highlights the need for a diversified and multidisciplinary approach in countering the illicit manufacturing of and trafficking in firearms.

8. The Firearms Protocol addresses the illicit manufacturing of and trafficking in firearms from the criminal justice aspect, taking into account the transnational nature of the phenomenon and its links to organized crime. Other instruments address the issue from a disarmament, trade or development perspective, and focus, for instance, on measures to reduce the accumulation, proliferation, diversion and misuse of firearms, rather than on bringing offenders to justice. These instruments, while substantively different, are complementary to each other, which should be considered by lawmakers when developing national firearms legislation.

9. The first meeting of the Working Group[3] recommended that the Conference urge States parties to adopt national and regional integrated approaches for the implementation of the Firearms Protocol, taking into account, where possible, economic and social factors having an impact upon firearms-related crime.

10. Currently, the majority of the 109 Parties to the Protocol have commitments under multiple firearms-related instruments. Converting the provisions of multiple international treaties into domestic legislation is, however, not always easy. The UNODC Legislative Guide,[4] the Model Law on Firearms[5] and the UNODC Model

[3] CTOC/COP/WG.6/2012/4.

[4] Legislative Guide for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, United Nations, New York, 2004. The Model Law on Firearms is available in all United Nations languages and has recently been revised and updated, in order to reflect specific comments on new instruments, such as the Arms Trade Treaty, which may impact on the implementation of specific Protocol provisions.

[5] Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, United Nations, Vienna, 2011.

Legislative Provisions Against Organized Crime,[6] along with similar tools developed under other instruments, can assist lawmakers in understanding the legislative requirements of the Protocol and their implications in terms of elaborating appropriate legislation.

**Criminalization**

11. Article 5 of the Firearms Protocol requires States to criminalize three categories of offences, namely:

(a) Illicit manufacturing, which encompasses:

(i) Any manufacturing or assembly of firearms without marking;

(ii) Any manufacturing or assembly from illicit (trafficked) parts and components; and

(iii) Any manufacturing or assembly without legal permit or authorization;

(b) Illicit trafficking, which includes:

(i) Any transnational transfer without legal authorization; and

(ii) Any transnational transfer if firearms are not marked;

(c) Removing or altering serial numbers or other markings.

12. Article 5 provides the basic requirements for States to criminalize the conduct described therein as offences, while the actual description of the terms "illicit manufacturing" and "illicit trafficking" are defined in article 3. Other elements of these core offences are also linked to other provisions of the Protocol, such as on marking (article 8, on Marking of firearms), and the issuance of authorizations or licences to import or export (article 10, on General requirements for export, import and transit licensing or authorization systems). States must read these provisions in conjunction, and refer specifically to the definitions of the terms "firearm", "parts and components" and "ammunition" when drafting domestic legislation.

13. Regarding the marking of firearms, article 5 (c) criminalizes activities that render the markings on a firearm unintelligible or inaccurate, making it impossible to uniquely identify the firearm or trace it against past records created from the original marking. The criminalization of these acts is meant to ensure that firearms can be identified and traced and applies to all conduct that involves tampering with the markings at any time after the manufacturing or assembly process is completed, with the exception of cases where markings are legally altered or added.

14. The Protocol encourages that the implementation of a comprehensive national firearms control regime extend beyond its strictly mandatory provisions and include also its optional provisions. Where this is the case, States may also consider introducing criminal offences to allow for stricter control and enforcement measures, such as in the area of record-keeping and licensing, as well as control over brokers and brokering.

[6] United Nations, New York, 20.

15. At its first meeting, the Working Group recommended that the Conference invite States parties to revise and adapt their national legislation in a manner consistent with the Firearms Protocol and to exchange information at the bilateral, subregional, regional and international levels on national approaches to the use of definitions and nomenclature in the area of firearms. It recommended in particular that States introduce the criminal offences envisaged in the Protocol, including appropriate sanctions that are commensurate with the nature and gravity of the offence. This includes ensuring that production of firearms, including handcrafted firearms, their parts and components and ammunition is in accordance with the proper licensing, authorization and marking requirements, including through the use of appropriate criminalization provisions.

**Challenges**

16. Although States have made great progress in adopting or reviewing their firearms legislation in accordance with the international legal regime, these efforts have at times remained incomplete or lack internal coherence. In several cases, countries adopted regulatory frameworks without the corresponding criminal justice provisions, thus jeopardizing any serious enforcement effort and making it difficult to conduct criminal investigations and prosecution of the persons involved in such illicit activities. To date, several countries from various regions have still not criminalized the illicit trafficking in firearms and consider this conduct as an aggravated form of contraband.

17. One major challenge in adopting adequate legislative frameworks is carrying out comprehensive analyses of existing legislation to identify the gaps in substantive and procedural provisions. Timely review of domestic legislation may also be constrained by the complexity of the coordination among numerous national stakeholders. In other cases, countries have experienced difficulties in merging the multiplicity of internal regulations and directives adopted over years under one comprehensive law. These factors have contributed to delays in the implementation of the Firearms Protocol provisions, despite the political will.

**Good practices**

18. Experience derived from the provision of technical assistance by UNODC has shown that whenever the scope and the extent of draft legislation are widely shared and discussed with all concerned stakeholders, including parliamentarians and civil society organizations, the adoption process has proceeded relatively smoothly.

19. Through its Global Firearms Programme, UNODC has been working in several countries, interacting with government authorities, parliamentarians and civil society organizations, in assisting the legislative reform efforts and contributing to disseminate knowledge and awareness on the legislative requirements, in particular with regard to criminalization provisions. The use of the UNODC Model Law on Firearms, which has been of significant help for legal drafters in understanding the extent of the provisions and their possible transposition into national law, is also identified as a good practice.

## B. Investigation and prosecution of firearms trafficking

### Challenges

20. The criminal justice response to trafficking in firearms is often significantly hampered by a lack of general knowledge among criminal justice practitioners regarding this phenomenon, as well as weak capacity to investigate these forms of trafficking and to undertake risk assessments in profiling potential trafficking cargoes. Special investigative techniques and other provisions aimed at facilitating criminal investigations and prosecution, as contained in the Organized Crime Convention, are not always used by States parties to deal with firearms-specific cases.

21. Another challenge is the lack of a critical number of criminal justice practitioners equipped with specialized skills necessary to lead national efforts to prevent, detect, investigate, prosecute and adjudicate cases of firearms trafficking. Several countries have identified the need, and requested assistance, for the possible establishment of specialized multidisciplinary firearms units, and the set-up of specialized investigative teams on firearms and organized crime, and on broader border control issues, among other topics.

22. The illicit firearms trade is characterized by the fact that it relies to a great extent on legal channels, such as regular commercial channels. Unlike other illegal commodities, firearms are durable and long-lasting goods, not subject to a constant contraband flow, but rather to episodic movements, which makes their detection and control very difficult. Effective licensing regimes and proper profiling and control measures are essential to the prevention, detection, investigation and prosecution of such offences.

23. Although most countries have established a licensing system for manufacturing and transferring firearms, these laws are often outdated, inadequate or lack the necessary practical and administrative procedures to be effectively implemented. Investigation and prosecution is often constrained by contradictory legislation, insufficiently regulated legal activities and discrepancies in the level of control and enforcement of such legislation. Lack of subregional and regional legislative harmonization is another impediment for effective criminal investigation and prosecution, often aggravated by the fact that not all countries have introduced appropriate criminal offences for the illicit manufacturing of and trafficking in firearms and ammunition.

24. The first meeting of the Working Group recommended a series of preventive measures to strengthen marking and record-keeping of firearms and their transfer control regime, with a view to facilitating the prevention and detection of diversion and illicit trafficking. It further emphasized the importance of strengthening the capacity of all relevant government and state authorities, including law enforcement, customs, prosecution and judiciary authorities to effectively detect, prevent and combat firearms-related offences and to ensure full implementation of firearms legislation, placing priority on the investigation, prosecution and adjudication of firearms-related criminal cases, and to identify and share good practices with regard to the investigation and prosecution of firearms offences and links to organized crime.

**Good practices**

25. A capability to trace firearms can play a crucial role in the investigation of criminal offences. The preventive and regulatory requirements for States to mark and record firearms and the related transfers, and to establish functioning licensing authorities for legal manufacturing and transfer of arms and ammunition, are not only geared towards the correct operation of the firearms regime, but also towards the creation of clear conditions to facilitate enforcement and the conduct of related investigations.

26. The timely tracing of illicit firearms and ammunition enables States to know the history of all legal transfers and movements of a firearm, and to detect the moment where the firearm was diverted into the illegal circuit. Broader collateral investigations on firearms and ammunition, including the tracking of firearms-related financial transactions, can provide invaluable contributions and mark the turning point in complex organized crime and terrorism cases. Apparently simple cases involving a firearm can be found to be part of broader international trafficking cases involving organized crime or terrorist groups, thanks to effective international cooperation and firearms tracing, and the appropriate use of other forensic and ballistic types of analysis on firearms and ammunition. Such information can contribute to reconstruct the dynamics of a crime and help clarify the involvement of organized crime groups. The ballistic information of ammunition can help investigators establishing whether a firearm was used in previous crimes, thus allowing for the determination of possible links among crimes that would otherwise appear to have been committed in isolation. This is particularly important in relation to organized crime or terrorist investigations, where a major difficulty lies in the lack of knowledge on the structure and composition of the criminal groups, including their relationship to other groups.

27. Some States have had positive experiences with the establishment of central firearms units that are responsible for carrying out and supporting firearms-specific work, including criminal investigations involving a firearm, and which are in charge of processing all seized firearms, irrespective of their source. These specialized "firearms hubs" are very convenient in that they require the higher skilled training of only a few officers and can provide support to a wide range of national agencies that would not deal with firearms cases on a daily basis. Such specialized units can be beneficial not only for firearms investigation purposes, but also as a data generator and processor of up-to-date statistics for intelligence and senior law enforcement commands, as well as assisting law enforcement in tracing the source of firearms and streamlining the testing system, for more manageable prosecutions.

28. Nevertheless, the use of modern investigation techniques and analysis methods on firearms is still limited in criminal investigations related to organized crime due to, inter alia, lack of technical capacities to undertake forensic and ballistic investigations, insufficient human and financial resources, and, to a certain extent, a lack of awareness regarding their uses. It would be considered a good practice to regulate that all firearms, at the time of manufacturing, be subject to ballistic tests and that this information be recorded and gathered, together with firearms specific information. Such a "ballistic fingerprint" could greatly support criminal investigations, notwithstanding the fact that any firearm is potentially subject to post-manufacturing manipulation and that single parts and components may be replaced, which could limit the value of this information.

29. Crime prevention and criminal justice strategies and measures against organized crime need to include firearms specific investigations as cross-cutting elements of any broader strategy aimed at dismantling criminal groups and networks and bringing offenders to justice. Similarly, firearms control regimes cannot exist in isolation but must be connected to wider criminal justice responses against organized crime and other serious crimes.

## C. Exchange of information

30. Information exchange and international cooperation are fundamental pillars in any serious effort to counter organized crime, including illicit manufacturing of and trafficking in firearms. Article 12 of the Firearms Protocol specifically encourages States to share relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition (paragraph 1), as well as general information on matters such as organized criminal groups known or suspected of taking part in these activities, the means of concealment used in the illicit manufacturing of or trafficking in firearms, and the methods and means, points of dispatch and destination and routes customarily used by organized criminal groups. States are also encouraged to exchange their legislative experience and practices in countering these crimes (paragraph 2), which includes the exchange of scientific and technological information among law enforcement and cooperation among States (paragraph 3).

31. At its first meeting, the Working Group on Firearms acknowledged the importance of information exchange and recommended urging States parties to exchange relevant information, including tracing information, that would enable them to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms. It recommended also that States parties create mechanisms for the exchange of information on registration of firearms and databases on seizures of firearms, as well as information on trends and emerging modalities of organized crime related to illicit trafficking in firearms.

32. Many States and subregions are increasingly engaging in various forms of information exchange, often facilitated by international, regional and subregional organizations through the establishment of platforms for regular meetings and exchanges. However, the level of interaction and exchange still varies among countries and regions; durable and sustained confidence-building measures are required to generate trust among States and practitioners and to facilitate the flow of information.

### Good practices

33. Illicit trafficking in firearms and ammunition is by definition a transnational activity that involves two or more countries. In order to be able to prevent and combat these forms of crime, States need to have a full understanding of the phenomenon and its modus operandi, and of the groups or individuals involved in these activities. States could benefit from working more collaboratively with one another in order to fill their knowledge gaps and devise joint efforts and strategies to respond to these common threats. This, in turn, requires not only

adequate legal frameworks that allow practitioners to exchange and make use of the received information, but also functioning communication channels and sufficient mutual trust and acknowledgement of the effectiveness of each other's criminal justice system.

34. Useful information exchange could include: updates among States on best practices in the areas of record-keeping, marking and deactivation of firearms; guidelines on efficient measures for seizure, confiscation, management and disposal of firearms, their parts and components and ammunition; statistical data on firearms losses, thefts and seizures in each country; levels of arms flows, internally and externally; patterns of both legal and illegal acquisition; impact on society; and best types of public awareness campaigns in each country.

35. However, in order to promote this exchange of information, States should seriously endeavour to collect relevant data on firearms in a systematic and regular fashion. Comprehensive record-keeping systems and digital databases that allow States to collect and store relevant firearms information, and eventually to cross-reference such data with other national data on related topics, have proven to provide States with the necessary information that can facilitate informed decision-making.

36. Another good practice has been the establishment of specialized firearms programmes, units or hubs within a competent authority, to centralize and deal with all firearms specific matters. Such hubs could help strengthen national responses to firearms-related offences by providing specialized support to all national services involved in firearms-related cases, as well as providing the groundwork for case-based international cooperation in investigations, including joint investigative teams. Such hubs could also fulfil the important task of monitoring and analysing on a regular basis firearms-specific data, such as seizures, losses and thefts, and to devise appropriate criminal justice responses.

37. When formal information exchange is required for the purpose of criminal investigations, a good practice has been the establishment of a structure to channel such requests for information to their destination quickly and efficiently and to handle the requests through a formal procedure, to ensure that the proper safeguards, checks and balances are followed and that the information gathered is credible and ultimately admissible in a court of law. The designation of a national body or a single point of contact for all matters relating to the Firearms Protocol (article 13) could be of vital importance in facilitating and making possible such cooperation and information exchange, especially among countries which do not have regular contact with each other. Competent authorities for international cooperation in criminal matters are also encouraged under the Organized Crime Convention, to exchange relevant information on a spontaneous basis, without necessarily a formal request for legal assistance.

38. Regular and direct contact among practitioners, facilitated by meetings, seminars or similar events, have proven to be great opportunities to share and discuss experiences, knowledge and difficulties, in an environment of mutual trust and confidence. In regions where practitioners have the opportunity to meet on a regular basis, experience has shown that the levels of mutual trust and confidence are considerably higher and that the exchange of relevant and even case-specific information is significantly greater than in regions where the only communication

channel are formal requests. Examples of more structured platforms include the ECOWAS network of West African States, the MERCOSUR Working Group on Firearms, Explosives and Ammunition (GTAM) in South America, the European Task Force on Firearms.

39. However, despite these platforms, investigators, prosecutors and other criminal justice practitioners tend to have very few opportunities to compare experiences and knowledge on issues related to the detection, investigation and prosecution of firearms-specific criminality and its links to organized crime. Regional networks of firearms and organized crime experts could be established to bring together practitioners in charge of the prevention and control of firearms, of the investigation and prosecution of related offences, and eventually, also recognized independent firearms experts and civil society representatives. These findings on good practices and lessons learned could be discussed in the Working Group on Firearms.

## D. International law enforcement and judicial cooperation

40. Investigation and prosecution of transnational firearms trafficking cases present various challenges for States, not only because of the complexity of the subject matter and the difficulty of obtaining the necessary evidence, but also because of the sometimes complex jurisdictional implications of the cases, insufficient international cooperation among States for this specific form of crime, and diverging legislation and practices. The result is few cases of successful investigation and prosecution of offenders.

41. When international evidence is required, the existing cooperation mechanisms usually remain underutilized in facilitating criminal investigations of firearms-related cases. Moreover, many bilateral cooperation agreements do not apply to the offences included in the Firearms Protocol. Moreover, the Organized Crime Convention is only rarely used as a legal basis for cooperation in firearms specific cases, even though it is applicable to all Protocol offences that involve an organized criminal group and are transnational in nature.

42. The Working Group has also encouraged States to reinforce cooperation at the bilateral, subregional, regional and international level, including through mutual legal assistance and extradition.

### Good practices

43. As documented and acknowledged by the Conference of the Parties in its past sessions, States should attempt to cooperate more widely with one another and consider making more use of the formal and informal cooperation mechanisms established under the Organized Crime Convention for the purpose of preventing, investigating and prosecuting firearms specific offences, and where applicable, consider using the Convention as the legal basis for such purpose.

44. Furthermore, harmonized national legislations and definitions can significantly contribute to facilitate the exchange of information and cooperation at local, regional and international levels.

## E. International cooperation in tracing

45. Article 12, paragraph 4 of the Protocol, requires States to cooperate in the tracing of firearms that may have been illicitly manufactured or trafficked, and this cooperation must include providing prompt responses to requests for assistance in tracing such firearms. The purpose of tracing firearms and ammunition is to identify the point at which legally held firearms and ammunition have been diverted into the illicit market, which would include information about the last person or body that was known to hold legal authority over the firearms and ammunition. This, in turn, can help in identifying who was responsible for the diversion, and call them to account, thereby preventing future diversions from the same sources.

### Good practices

46. Effective tracing requires proper marking, appropriate record-keeping and electronically based tracing systems. A good operational practice is to supply sufficient information to the requesting State such as: markings, type, calibre, photographs and any other relevant information; description of the illicit nature of the firearms and ammunition; circumstances under which the firearm was found, including identity of any person detained with the confiscated firearm; the legal justification for the request; and the intended use of the information. Another good administrative practice is to adopt laws, regulations and administrative procedures needed to deal effectively with tracing requests and to designate one or more national points of contact to exchange information and act as liaison on all requests received.

47. Timely and accurate responses to tracing requests are crucial for criminal investigations. Several good practices include, inter alia: acknowledging receipt of a tracing request within a reasonable time; providing all available information sought by the requesting State that is relevant for tracing the illicit firearms and ammunition, including specific information on date of manufacture, hidden or other identification markings, special characteristics, date on which technical testing was done, identification of the testing body, and information of firearms that were legally exported, including the date of export, the importing State, transit States; and final consignee.

48. Several tracing mechanisms exist at bilateral and multilateral levels. At the global level, a good practice for States is to seek cooperation through organizations that have an established capacity to provide information regarding the tracing of firearms, such as the International Criminal Police Organization (INTERPOL) and the World Customs Organization.

49. The INTERPOL Illicit Arms and Tracing Management System (iARMS) is a state-of-the-art tool that facilitates information exchange and investigative cooperation between law enforcement agencies in relation to the illicit movement of firearms, and firearms involved in the commission of crimes. The iARMS is an integral part of the international strategy and operational framework to combat the illicit trade in small arms and light weapons in all its aspects. Through a user friendly web-based interface, iARMS enables users to: report and/or query Lost, Stolen, Trafficked and Smuggled Firearms; and submit and/or respond to, as well as monitor the status of progress on, international firearm trace requests; and

export/download statistical reports about the reported firearms and submitted trace requests. The effective functionality of iARMS is therefore of significant global interest.

# III. Monitoring the trafficking flows in firearms at national, regional and global level

## A. Relevance of empiric firearms data

50. Reliable empirical evidence on firearms seizures, their parts and components, and ammunition, is of paramount importance for the establishment of regional and global firearms trafficking patterns and flows, which, in turn, can represent highly valuable information for law enforcement agencies and the criminal justice systems globally.

51. This has been widely acknowledged by the Working Group, which recommended States to adopt measures and standard procedures for seizure, identification, confiscation and destruction of illicitly manufactured and trafficked firearms, their parts and components and ammunition, including appropriate record-keeping of seized, confiscated, destroyed or deactivated. The Working Group also recommended that the Conference urge States parties to create mechanisms for the exchange of information on the registration of firearms and databases on seizures of firearms, as well as the exchange of information on trends and emerging modalities of organized crime related to trafficking in firearms, their parts and components and ammunition.

## B. UNODC study on firearms trafficking

52. In its resolution 5/4, the Conference requested UNODC to conduct a study on the transnational nature of and routes used in trafficking in firearms, based on the analysis of information provided by States on confiscated weapons and ammunition. In Note by the Secretariat on the work of the United Nations Office on Drugs and Crime on conducting a study of the transnational nature and routes used in trafficking in firearms, UNODC concluded that a comprehensive study on the transnational nature of firearms trafficking and the routes used needed to be global in scope, and to allow for comparative analysis. The study would also require a critical mass of participating countries, in order to be sufficiently representative and allow for identification of routes and patterns, and to use a reliable and transparent methodology for the collection of the data, based on standardized approaches in terms of content, quality and duration. The repetition of this exercise over time would allow the production of solid and measurable data and to identify trends and patterns in illicit trafficking. In its subsequent resolution 6/2, the Conference requested UNODC to improve methodology, in close consultation with Member States, and to complete the study in accordance with the given mandate.

### Objectives of the study

53. The Study aims at increasing the understanding of the problem of firearms trafficking, revealing existing routes in the illicit trade of firearms and identifying

new or emerging global trends. By focusing on the identification of the main trafficking flows across regions, the study seeks to enhance the understanding of the inter-connectedness and transnational nature of such a phenomenon. This could allow for cross-reference of data on source and/or manufacturing countries, trafficking routes and methods, as well as on the actors involved. The information obtained could enable practitioners to establish the extent of the involvement of organized criminal groups in such proscribed activities, and replace anecdotal evidence with concrete, empirically verifiable data. The study could further assist in the identification and consequent anticipation of risks, and in the effective conduct of threats analyses, eventually resulting in the ability of relevant authorities to take informed decisions and information-driven preventive and control measures.

**Importance of strengthening national monitoring and analysis capacities**

54. Nevertheless, a study on firearms trafficking, even if comprehensive and global in scope, is inadequate as a stand-alone solution in improving knowledge gaps and providing the required empirical evidence on the trafficking phenomenon and its links to crime. Given the dynamic nature of illicit trafficking, there is a need for a continuous flow of data, in order to keep track of the changing trends and patterns in this field. For this reason, it is indispensable that States develop and establish their own national capacities to collect and analyse firearms trafficking data, and engage in information exchange at the regional and international level.

55. National firearms information systems are of strategic importance for States. Strengthening the national capacity of States to produce their own data and to undertake such monitoring and analysis activity within their own institutions would heighten their awareness of the problem in order to understand and address their domestic and regional issues. UNODC supports countries in putting mechanisms and structures in place to ensure regular and systematic collection of standardized firearms data. In particular, UNODC seeks to collect existing data on seizures, so that they can be used by different national actors within each country. Systematic firearms trafficking data can in fact assist law enforcement agencies in the course of investigations, enhance the exchange of information and international cooperation among countries, as well as contribute to informed decision-making at the policy level.

56. With a view to establishing enhanced international cooperation among States and law enforcement agencies in the course of investigations, the study additionally promotes and encourages States to trace firearms both domestically and internationally and to exchange the results.

**Existing challenges**

57. Information on firearms trafficking magnitudes, patterns, routes and modus operandi is limited and difficult to obtain. Many states do not collect and analyse firearms trafficking data systematically, or lack the technical and operational skills and resources to do so. Others use different statistical rules and data collection methodologies which complicate the exchange of information and the eventual extrapolation of findings relevant for a regional or global study.

58. Different national legal systems can also present legislative divergences among regions. In some countries, firearms trafficking does not represent a

criminalized practice as such. As a consequence, instances of firearms trafficking do not lead to firearms seizures on the part of national agencies with seizure power nor do they reach national authorities as they go unreported.

59. As a result, existing reports and studies are often based on partial and scattered information, secondary evidence and/or open source data, which are not always empirically verifiable or comparable. This provides an incomplete view of the problem, which, in turn, is not sufficient to determine ongoing dynamics and trends, nor to establish connections and links to the broader context in which illicit manufacturing and trafficking occur. Oftentimes such studies are time bound and limited in scope, based on different methodologies, developed in isolation or lack applicability for practitioners on the ground and in the field. As a result, their effectiveness is sometimes reduced as they do not build sustainable capacity that would enable countries to carry on with future data collection exercises, which would lead to the creation of time series, trend analysis, and could feed into domestic and regional datasets at periodic intervals.

**Methodology employed and related activities**

60. UNODC, in consultation with Member States and experts, developed a concept note describing the methodology and objectives of the study. UNODC seeks to follow a thorough methodology in order to overcome the challenges posed by a pioneering global data collection exercise on firearms trafficking.

61. The study is based on a transparent and simple methodology which uses statistical data and information provided by States on seized arms and ammunition. Data are being collected in a standardized and compatible way, so as to allow the comparison of the findings. When information is gathered and collected in such manner across countries and regions, it can be projected in a larger context, further enhancing its usefulness. At this point in time, it is not yet possible to establish the extent of the study, as this will depend on the number of States participating and on the quality of the data provided.

62. Definitional obstacles/barriers were addressed by resorting to international crime data collection standards and definitions such as the one used by INTERPOL, among others. The key concepts to be used for the completion of the questionnaires drew upon the United Nations Convention Against Transnational Organized Crime and its additional Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

63. The study utilizes two sets of Questionnaires: one Annual Seizures Questionnaire and one Significant Seizures Questionnaire for each reporting year. For the purpose of identifying trends and patters, Member States were requested to provide data for the reference years 2010, 2011, 2012, and where possible for 2013 seizures. A password protected online portal was developed to allow Member States to access all information relevant to the Global Firearms Trafficking study, and for the UNODC to effectively keep track of country's activities with a view to providing them with prompt and high quality assistance at every step of the data collection process, while attempting to achieve the highest possible participatory rate. The portal was designed in a user-friendly manner, so that Member States can easily download the questionnaires on their computers, provide the available data on seizures and return them to UNODC using the same procedure. The data will then

automatically be incorporated into the UNODC firearms trafficking database for further extraction and analysis.

64. All Seizure Questionnaires (Excel files) are available on the portal in the six United Nations official languages. A toolkit in English, Spanish and French is also available in the portal, to provide guidance for both focal points and completing officers on the successful completion of the Seizures Questionnaires.

65. The deadline for the submission of the first set of questionnaires was 31 March 2014. As of 2 April 2014, 75 States had accessed the Firearms Trafficking Portal and downloaded at least the Annual Seizure Questionnaire and 66 States had downloaded at least the Significant Seizures Questionnaire. To date, UNODC was notified of the appointment of 20 national focal points. UNODC is actively working to provide States with tailored assistance on the completion of the Questionnaires and the adequacy of the information shared. As of today, 13 States have submitted at least one questionnaire and 4 have provided alternative qualitative information.

### C. Accompanying technical assistance support

66. On different occasions, Member States have expressed to UNODC their interest in contributing to the global understanding of firearms trafficking and its extent, flows, and patterns. Nevertheless, often States are faced with various constraints and obstacles, which dramatically reduce their possibility of possessing and generating reliable and timely information on firearms trafficking.

67. One of the objectives of the study is to bring about long-term benefits for participating States, by contributing to strengthening their monitoring and analysis capacity. This will also enable them to produce, analyse and exchange relevant data and information on firearms trafficking and related crimes, in line with article 12 of the Firearms Protocol. To this end, UNODC is also supporting the establishment of a monitoring mechanism in the form of focal points or inter-institutional units, to establish a national capacity to collect and analyse data in a systematic fashion.

68. Through its Global Firearms Programme, UNODC is providing ad hoc technical advice and supporting Member States (primarily countries from West Africa, the Sahel region and South America), to strengthen their national data collection and analysis capacity. This consists of national training activities and regional seminars with sessions dedicated to address data-collection and analysis challenges, in addition to practical exercises on record-keeping, identification and tracing of firearms.

69. In 2013 and 2014, UNODC organized several regional seminars and national training activities focused on firearms identification, recording and tracing, and on strengthening the national data collection and analysis capacity of States.

## IV. Illicit manufacturing of firearms

70. Illicitly manufactured firearms are not licensed or authorized by the relevant authorities, and are not subject to control for compliance with the existing production quality standards, requirements on storage safety and security, as well as applicable provisions related to health safety. They do not support the economic

development of the country, as such illicit activities do not generate income tax, but further contribute to the development of illicit markets and to the increase of corruption.

71. Illicitly manufactured firearms present different levels of quality and sophistication. A widely observed phenomenon is the craft production, which usually refers to firearms that are fabricated largely by hand in relatively small quantities. Such craft-produced firearms can range from rudimentary handguns and shotguns to more advanced and sophisticated assault rifles. In contrast is the rudimentary production by criminal groups and gangs, of any tool suitable for shooting.

## A. Legal framework

72. The Firearms Protocol is the only legally binding international instrument that defines and criminalizes illicit manufacturing. According to Article 3, paragraph (d), illicit manufacturing means the manufacturing or assembly of firearms, their parts and components or ammunition from parts and components (i) illicitly trafficked; (ii) without a licence or authorization from a competent authority of the State where the manufacture or assembly takes place; or (iii) without marking the firearms at the time of manufacture, in accordance with the Protocol.

73. Article 5 establishes three main offences on illicit manufacturing, with the aim to covering all stages of the manufacturing process and ensuring that the basic import, export and tracing requirements of the Protocol will not be circumvented by the manufacturing of all single parts and components of a firearm and their exports prior to assembly into the finished product; that the manufacturing of the firearms will not take place covertly since a competent authority must authorize the activity; and that the manufacturing process includes markings sufficient for tracing.

74. The first meeting of the Working Group specifically urged State to ensure that production of firearms, including handcraft firearms, their parts and components and ammunition, be in accordance with the proper licensing, authorization and marking requirements, including through appropriate criminalization provisions.

## B. Preventing and countering illicit manufacturing of firearms

### Challenges

75. Law enforcement agencies encounter numerous challenges in fighting illicit manufacturing of firearms, including the identification of production locations, the tracing of illicitly manufactured firearms through a chain of intermediaries, and new and emerging production technologies and distribution channels.

76. The production facilities for illicit firearms can be small workshops, with a few employees, usually family or community members. The manufacturing business takes place most often in difficult to detect home basements, garages or blacksmith workshops. As the facilities are not licensed for firearms production, the manufactured firearms are unmarked, unregistered and completely untraceable by authorities. Depending on the production techniques and materials used, the illicit firearms can be a cheap alternative for criminals.

77. Moreover, a new emerging trend in illicit manufacturing is the use of new technologies. The advent of 3D-printing technology has created new challenges for law enforcement services to detect and combat illicitly manufactured firearms. 3-D printing is a manufacturing process built on layers, to create a three-dimensional solid object from a digital model. Initially devised in the 1990s as a means to produce relatively inexpensive prototype parts for industrial and automotive design work, such technology has gained popularity because of cost-savings.

78. To print a 3-D object, the manufacturer uses a 3-D computer-aided design (CAD) program to create a digital model that gets sliced into very thin cross-sections called layers. Several States have already encountered and confiscated 3D-printed firearms. Following a study conducted by one Member State, 3D-printed firearms are undetectable, truly untraceable, cheap and easy to make. The test included downloading firearm's blueprints from Internet and using a low cost 3D printer. The specific type of firearm that was tested was printed in 15 parts, during 27 hours, and was assembled within 60 seconds with an improvised firing pin from a steel nail. The printed firearm was test fired into a block of resin designed to simulate human muscle, and the first bullet penetrated the resin block up to 17 centimetres, which led to the conclusion that it could cause fatal wounds. Similar tests are known to have been conducted in other countries.

79. The changing distribution channels for illicitly manufactured firearms represent another challenge for police forces worldwide. The use of Internet as media for exchange of information, goods and services, and for the commission of crimes, has given rise to online trafficking of such illicitly manufactured firearms. Whereas in the past the exchange was taking place between two individuals in the same place, a recent case from a Member State shows a suspect communicated and negotiated on the Internet with the prospective buyers, used money service for funds transfer, and shipped illicitly manufactured parts through a courier company.

**Good practices**

80. Some of the good practices in curbing illicit manufacturing stem from cases where illicit production are mainly concentrated among local blacksmiths. The locally produced weapons were unconventional in design and relatively unsophisticated, constructed with little to no modern machinery, made with a cast iron barrel, aluminium firing mechanism, and a rough wooden handle. These firearms were unmarked, unregistered, completely untraceable by authorities, widely available, and cheap. As they were increasingly being traded across borders into other Member States, these arms contributed to undermine the countries' efforts in firearms control and to regional destabilization. With a view to countering this phenomenon, a State conducted first a technical assessment survey on the skill level of the blacksmiths, to explore to which extent these individuals could produce arms of exportable quality. It also conducted a labour market study to identify alternative livelihood schemes for those ones that were not able or interested in registering as licensed gunsmiths. The first ones received assistance to become licensed gun manufacturers and were officially registered. This would enable them to produce higher quality, traceable weapons as per government standards. Plans were developed to also support those interested in pursuing alternative opportunities in making a successful transition to legal, sustainable livelihoods.

81. Other good practices would entail the revision of the legislative frameworks, in particular the criminalization provisions on illicit manufacturing, to ensure that new technologies such as the use of 3D printed guns, are dully covered by their domestic legal framework, and to provide continuous up-to-date knowledge to investigators, prosecutors and judges on these emerging trends, with a view to sensitizing them on such new developments.

## V. Conclusions and recommendations

82. Full implementation of an effective firearms control regime requires an appropriate legislative framework, the coordinated action of various specialized entities with appropriate staffing, as well as technical and financial resources. This is a process in which the States parties have encountered many challenges and, at the same time, achieved considerable progress.

83. The Working Group may wish to consider ways of ensuring sustained financial and technical assistance to implement the recommendations and proposed activities provided below, especially by providing assistance to countries in post-conflict situations and least developed countries.

84. The Working Group may wish to consider the recommendations and proposed activities provided below for possible inclusion in the report on the activities of the Working Group to be presented to the Conference for its consideration, in accordance with resolution 6/2.

### A. Recommendations

85. States parties may wish to (i) consider taking integrated approaches to firearms control, and (ii) ensure that preventive and regulatory measures match with their corresponding criminal justice responses to prevent and combat illicit manufacturing of and trafficking in firearms.

86. States parties may wish to (i) identify successful measures and experiences with regard to criminalization, investigation and prosecution of illicit firearms trafficking, (ii) consider ways to establish monitoring mechanisms of illicit trafficking flows in firearms and facilitate the exchange of information with interested States and (iii) consider ways to ensure regular data collection on firearms and periodic monitoring of the illicit flows at the national, regional and global levels.

87. States parties may wish to share experiences in preventing and combating the illicit manufacturing of firearms, including through regional network of experts and practitioners and, at global level, through the UNODC Working Group on Firearms

### B. Activities proposed by the United Nations Office on Drugs and Crime

88. UNODC should assist States through legislative and technical assistance in the establishment and implementation of comprehensive firearms control regimes, in

compliance with the Firearms Protocol, taking into account the national priorities and needs.

89. UNODC should assist in the identification and dissemination of good practices with regard to (i) investigation and prosecution of firearms-related offences and their links to organized crime; (ii) development and maintenance of comprehensive record-keeping systems on firearms; and (iii) marking and tracing of firearms.

90. UNODC should endeavour to continue to collect data on firearms trafficking and conduct, in cooperation with Member States, annual studies on the illicit trafficking in firearms, their parts and components and ammunition, with a view to identifying trends, patterns and modus operandi.

91. UNODC should promote the establishment of regional networks of firearms experts to facilitate the exchange of expertise and knowledge on the investigation and prosecution of firearms trafficking and related crimes.

United Nations CTOC/COP/WG.6/2014/3

# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations**

**Monitoring illicit trafficking flows in firearms at the national, regional and global levels**

**Challenges and good practices in the prevention of the illicit manufacturing of firearms**

## Activities of the United Nations Office on Drugs and Crime to promote and support the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

**Background paper prepared by the Secretariat**

## I. Introduction

1. The present background paper was prepared pursuant to resolution 6/2 adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in which the Conference requested the Secretariat to inform the Working Group about the activities of the United Nations Office on Drugs and Crime (UNODC) to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and

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capacity-building and awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. In its resolution 6/2, the Conference noted with appreciation the assistance provided by UNODC to States through its Global Firearms Programme (GFP), and requested UNODC, in order to support ratification of, accession to and the implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and its Firearms Protocol, to promote knowledge- and awareness-raising activities, to assist Member States, upon request, in the adoption of national laws and strategies on firearms, to continue to facilitate, whenever possible, technical assistance to States consistent with needs identified by those Member States and to promote inter-agency and international cooperation.

3. Furthermore, the Conference requested UNODC to continue developing technical assistance tools, in particular in the areas identified by the Working Group on Firearms, in close consultation with Member States and, where appropriate, drawing on the expertise of the International Criminal Police Organization (INTERPOL) according to its statutory rules.

4. Finally, the Conference requested UNODC, through its GFP, to assist Member States, upon request, in strengthening their capacities to investigate and prosecute illicit manufacturing of and trafficking in firearms and related forms of transnational organized crime, inter alia, through practical workshops and exchanges of experience among investigators and prosecutors on the application of the Convention and its Firearms Protocol.

5. The present background paper provides information about UNODC's activities for the period 2012-2014 and was prepared to enable the Working Group to perform its mandated functions.

## II. Background

6. During the reporting period, several developments at the international level have contributed to advance the global efforts to combat the illicit trafficking in and manufacturing of firearms, their parts and ammunition. Of notable importance was the conclusion in April 2013 of the United Nations Conference to Negotiate an Arms Trade Treaty and the adoption by the General Assembly of a legally binding Arms Trade Treaty (ATT).

7. The ATT covers nine categories of conventional arms, including small arms and light weapons, whereas the Firearms Protocol covers firearms, their parts and components and ammunition. The ATT focus on measures to regulate the licit trade and prevent and eradicate the illicit trade in conventional arms and to prevent their diversion to the illicit market or for unauthorized end use including the commission of terrorist acts (Preamble, paragraph 2). The Firearms Protocol focuses on the criminal justice responses to the illicit manufacturing and trafficking in firearms, their parts and components and ammunition, and to their negative impact on socioeconomic development, security and well-being of people, countries and regions (Preamble, paragraph 1).

8. As the only global legally binding instrument on firearms, the Firearms Protocol establishes a framework for States to control and regulate licit manufacturing of arms and arms flows, prevent their diversion into the illegal circuit and facilitate the investigation and prosecution of related offences. By addressing both the legal and illegal aspects of firearms, the Protocol sets out a comprehensive regime that regulates the licit flows of arms, as well as preventing and combating trafficking without hampering legitimate transfers.

9. The ATT establishes a framework which targets national export control authorities to take appropriate measures on the basis of commonly identified criteria to control arms export and to prevent and control their diversion into the hands of organized crime or terrorist groups. Although the ATT does not introduce specific regulatory requirements to control the licit arms trade, nor specific enforcement measures such as criminalization provisions, it builds on the acquis of the Firearms Protocol and other global and regional instruments and tools developed in the area of arms control, human rights and international humanitarian law, organized crime and terrorism. The complementary relationship between these two instruments is also acknowledged in the preambular part of the ATT, which explicitly recalls, among others, the Firearms Protocol as a relevant reference.

10. The relevance and usefulness of the Firearms Protocol to prevent and combat illicit manufacturing of and trafficking in firearms is demonstrated by the steady increase of the number of accessions, which have reached 109, representing an increase of 18 countries since the last meeting of the Working Group on Firearms held in May 2012.

## III. Activities of UNODC to promote and support the ratification and implementation of the Firearms Protocol

### A. The Global Programme on Firearms

11. In 2011, UNODC launched its Global Firearms Programme (GFP) with the aim to raise awareness, promote adherence to and support the implementation of the Firearms Protocol by providing technical and legislative assistance to Member States. The Programme focuses on the following areas:

(a) Awareness-raising and promotion of the ratification of the Firearms Protocol;

(b) Development of specialized tools;

(c) Legislative development to strengthen the legal and regulatory framework on firearms and promote regional harmonization of laws and practices;

(d) Capacity-building, training and technical support to reduce the availability of illegal firearms, strengthen the regulatory framework on firearms, especially in marking, record-keeping, transfer controls, collection and destruction of firearms;

(e) Training and capacity-building with a view to strengthening criminal justice responses and to promote effective international cooperation and information exchange for combating illicit trafficking in firearms and related offences;

(f) Increased knowledge on transnational firearms trafficking patterns and enhanced civil society engagement.

12. The programme was initially funded by the European Commission and covered 15 countries in West Africa, Latin America and the Caribbean. In 2013, the Government of Japan provided funds to UNODC to extend its firearms control activities to the Sahel region, with a stronger focus on the collection, destruction, marking and record-keeping of firearms and establishing national capacity for monitoring and analysis of the illicit trafficking in firearms.

## B. Legislative Support

13. At its first meeting, the Working Group recommended that the Conference of the Parties urge States Parties to review and strengthen national firearms-related legislation in a manner consistent with the Protocol and to consider making use of the UNODC Model Law against Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition in this respect. It also recommended States to exchange information at the regional and international level on national approaches to the use of definitions and nomenclature in the area of firearms. To this end, the Working Group proposed that the Conference should urge States Parties to adopt national and regional action plans for the implementation of the Firearms Protocol, taking into account, where possible, economic and social factors impacting upon firearm-related crime.

### 1. Legislative tools

#### Model Law against the Illicit Manufacturing of and Trafficking in Firearms

14. UNODC developed the Model Law against the Illicit Manufacturing of and Trafficking in Firearms as a tool to assist State parties in translating the treaty language of the Organized Crime Convention and the Firearms Protocol into domestic legal provisions, and to assist them in strengthening their legislative regimes on firearms in a manner consistent with the Firearms Protocol. The Model Law's broad range of provisions covers both the preventive firearms control measures such as manufacturing, record-keeping, deactivation, international transfers of firearms and related brokering activities, and the penal and procedural measures derived from the Firearms Protocol and the Transnational Organized Crime Convention. The Model Law also complements the Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[1] and was translated into all official languages of the United Nations and disseminated to all relevant organizations.

15. The Model Law was used as a reference for the development of legislative and regulatory modules of the International Small Arms Control Standards (ISACS) that provide clear, practical and comprehensive guidance to practitioners and policymakers on fundamental aspects of small arms and light weapons control. The Model Law was further used by UNODC in the process of providing legislative support to the countries from Latin America and West Africa as a harmonization tool for their new legislation on firearms control.

[1] United Nations publication, Sales No. E.05.V.2.

16. In 2013, bearing in mind recent developments and trends in national legislation, a number of enhancements and updates were introduced to the Model Law, following the positive feedback received from selected legal experts, practitioners and professors from different countries and legal systems.

17. UNODC also carried out a comparative review of the ATT and the Firearms Protocol. The results of the review identified the need for an update of the existing firearms publications, with a view to providing information about the differences and similarities between the two international instruments.

**Ratification Kit for the Firearms Protocol**

18. In order to raise awareness and support the increase of the number of State parties to the Firearms Protocol, UNODC made numerous presentations at conferences, meetings and side-events on the relevance of the Protocol for combatting illicit trafficking in and manufacturing of firearms. UNODC also published a Ratification Kit[2] to explain and facilitate the process of ratification of the Protocol. The Kit includes an explanatory note on the main requirements and notification obligations under the Protocol, and contains also alternative template formats for the ratification and deposit of the instruments.

**Comprehensive training curriculum**

19. In order to facilitate the implementation of the Firearms Protocol, the GFP initiated, with the valuable support of a number of recognized firearms experts from different countries and regions, the development of a comprehensive firearms training curriculum in modular form. The overall purpose of the training curriculum is to facilitate the provision of standardized and tailor-made assistance to key stakeholders involved in firearms control, such as criminal justice practitioners, legal drafters and policymakers, institutions responsible for arms transfer controls, as well as the civil society and private sector. The training materials would enhance the understanding and knowledge of these actors regarding firearms issues and promote more effective international cooperation to facilitate the investigation and prosecutions of firearms-related crimes.

20. In developing the training curriculum, UNODC reached out to external experts and relevant government agencies, to collect relevant material and expertise, and organized two expert group meetings. At the first meeting, experts discussed the outline and the topics to be included in a comprehensive firearms curriculum. Following the meeting, UNODC revised and streamlined the module description and worked closely with recognized experts to draft the content of the training materials. Partnerships were also established with INTERPOL, the Canadian Crown Prosecution Service and the Firearms Program of the Royal Canadian Mounted Police (RCMP), whose expertise contributed to the development of the training materials. Cross-referencing of UNODC and other tools and training materials, including ISACS, was encouraged in order to ensure consistency and coherence.

21. While the finalization, publication and translation of the curriculum is still ongoing, the content of the draft modules have already been used as a basis for the delivery of various training courses organized under the GFP.

[2] United Nations publication, Sales No. V.12-56168-October 2012 - 400.

## 2. Legal drafting support

22. UNODC developed standard operational procedures for the delivery of legislative assistance to countries wishing to harmonize their legislation with the Firearms Protocol and other relevant international or regional instruments. As a first step, countries are encouraged to undertake a legislative self-assessment, using a standardized questionnaire, developed by the GFP, in English, French and Spanish. The questionnaire assisted national authorities to navigate through the legal obligations contained in the Firearms Protocol, and allowed them to identify the main gaps and challenges in the area of legislative development and institutional restructuring.

23. As part of the self-assessment process, UNODC also collected all relevant national legislation on firearms. These materials were used by UNODC at the second stage of the legislative support process, where UNODC produced legislative assessment reports, including gap analysis and recommendations for drafting specific provisions to be incorporated in the national legislation on firearms.

24. The legislative assessments for selected countries in Latin America and West Africa showed varying levels of compliance and implementation of the international legal regime on firearms. Some countries lacked or had significant gaps in their firearms legislation, which made the legislation practically inoperable. Others had firearms legislation which was very outdated and required amendments. Where a country had scattered legal texts, it was recommended that a single comprehensive firearms law be adopted to streamline the existing provisions under one coherent umbrella. Other countries had modern legislation that was in full compliance with the Firearms Protocol and other regional instruments, but they had not enacted the required implementing legislation (decrees and regulations) to ensure its enforcement. Other countries, while having a relatively well-developed regulatory framework in some areas, lacked the necessary criminalization and enforcement provisions.

25. The vast majority of States only needed to reinforce specific parts of their national legislation, such as the provisions related to brokering. Only a few countries had a fairly well-developed normative framework on firearms control in place and did not require important reforms or tailored legislative support. In all cases, however, it appeared that the normative assessment needed to go beyond national firearms laws, and to include relevant provisions of criminal and procedural codes and special laws and treaties, in order to establish a connection between firearms trafficking-related crimes and possible links to other serious crimes.

26. These findings were of particular relevance, since the Working Group, in its recommendations to the Conference emphasized the need for States parties that have not yet done so to review and strengthen their criminal legislation and to introduce the criminal offences envisaged in the Firearms Protocol, including appropriate sanctions that are commensurate with the nature and gravity of the offence.

27. Furthermore, UNODC supported the establishment of drafting committees with the mandate to review, comment and validate the recommendations of the legislative assessments, as well as consider other inputs from international and regional partners.

28. Parallel to these efforts, the GFP has also supported and promoted regional harmonization efforts. For that purpose, UNODC developed a regional legislative comparative analysis and organized two regional meetings in 2012 in Dakar, Senegal, and Buenos Aires, Argentina, in cooperation with the relevant regional partners — ECOWAS and MERCOSUR. A third meeting was held in Dakar, Senegal, in February 2014, with countries from the Sahel region and West Africa. The objectives of the meetings were to further raise knowledge and awareness of the Transnational Organized Crime Convention and its Firearms Protocol, and the legislative requirements for its full implementation; to present a regional cross-analysis on the status of implementation of the Firearms Protocol, the regional conventions on firearms (CIFTA in Latin America and the ECOWAS Convention in West Africa), based on the national self-assessments and accompanying desk reviews; to promote regional harmonization efforts; to identify specific legislative developments and technical assistance needs for each country; and to facilitate and promote South-South cooperation.

29. During the first two regional meetings, the participants developed regional road maps to implement the Protocol and further promote subregional harmonization and cooperation, with the support of UNODC. In West Africa, the draft regional plan was shared with the governments during subsequent country visits, and formed the basis for discussions on national priorities and follow-up activities. In South America, the seminar findings and the road map were sent to all focal points by mail and were additionally presented and discussed during the subsequent MERCOSUR GTAM meeting held in November 2012, in Brasilia. Based on the above, and on individual assessment work, UNODC developed national roadmaps for action, in consultation with beneficiary countries, which identify priorities and relevant activities required to facilitate the implementation of the Firearms Protocol.

30. The final step of the legislative support process included individualized follow-up assistance and legal drafting support where UNODC provided feedback and observations to several countries on their current draft laws before their final submission to parliament. In this stage of the process, UNODC also facilitated dialogue with the national legislative bodies, with a view to raising awareness of the need for legislative development.

31. Since 2012, UNODC collected national firearms laws, regulations and related legislation of 20 countries and national self-assessments or studies from 17 countries. The Office completed the legislative assessment reports with gap analysis and recommendations and submitted them for comments to 15 countries and provided tailored legislative advice to 8 countries. As a result, 4 countries acceded to the Firearms Protocol, 10 countries reviewed and assessed their domestic legislation on firearms, and 2 countries adopted new firearms legislation. Another 6 countries have developed draft laws, which are currently under discussion in their respective legislatures.

## C. Capacity-building and training to strengthen the criminal justice responses to illicit firearms trafficking and promote effective international cooperation and information exchange

### 1. Capacity-building support

32. At its first meeting in May 2012, the Working Group highlighted the need for states to strengthen the capacity of all relevant government and state authorities, including law enforcement, customs, prosecution and judiciary authorities to effectively detect, prevent and combat firearms-related offences. Furthermore, the Working Group recommended to the Conference to encourage States parties to ensure full implementation of firearms legislation, inter alia by placing priority on the investigation, prosecution and adjudication of firearms-related criminal cases.

33. As a result, UNODC prioritized the strengthening of investigative and prosecution capacities to deal with complex transnational cases of firearms trafficking and their links to organized crime and terrorist activities. This issue was reflected in the comprehensive training curriculum which UNODC used as a foundation for the development of specialized training courses. This comprehensive training curriculum contains specialized modules on complex criminal investigations of firearms trafficking and related criminal activities.

34. Since 2012, UNODC developed a training course on investigation and prosecution of firearms trafficking and an outline for a training course for firearms transfer control authorities. The course is designed for criminal justice practitioners and it provides a background of the core skills required to investigate trafficking in firearms and other firearms-related offences. The course also offers criminal justice practitioners the knowledge, understanding, aptitudes and abilities needed to conduct investigations, trace firearms, engage in multilateral cooperation and prepare cases for successful prosecution. Participants learn methods and practical skills which they can employ and share in their workplaces.

35. Through this training course, UNODC aims to enhance national capacities to counter the trafficking in firearms and support law enforcement agencies in their fight against transnational organized crime. The course contains a mixture of classroom based lessons, case studies, plenary discussions and practical knowledge that facilitate learning in accordance with legislative requirements and in line with national and international standards.

36. Through the development of this course, UNODC's objective is to define, develop and promote excellence and improvements in standards at both national and international levels. The aims of the course also include the following: to reinforce and build upon past experiences in firearms investigations; to present new knowledge and skills relating to investigating and prosecuting trafficking in firearms and its links to organized and other serious crimes; to provide guidelines on information exchange regarding transnational firearms investigations; to underline the importance of effective interagency coordination and cooperation; and to promote and facilitate international law enforcement and judicial cooperation, including cooperation in the tracing of firearms.

37. During the reporting period, UNODC delivered training courses on investigation and prosecution of firearms trafficking to more than 90 criminal

justice practitioners in Ghana and Senegal in 2013 and in Bolivia in 2014, in cooperation with the national commissions on small arms and light weapons control, and secured the participation of members of civil society organizations as observers. Additional courses are planned for both regions in the coming months. The feedback received from national practitioners has been overwhelmingly positive, which has encouraged the Office to continue its efforts and to seek further financial support to intensify training activities.

38. For the design and delivery of the training course, UNODC cooperated with relevant partners, such as the International Criminal Police Organization (INTERPOL), the Argentinian Federal Prosecution Service, the Argentinian National Arms Registry (RENAR), the Brazilian Federal Police, UNHCHR's Regional office in Chile, and its Offices in Bolivia and Paraguay, and drew on the longstanding expertise from recognized NGOs, such as Viva Rio in Brazil. The aim of these joint ventures is to contribute to the dissemination and promotion of the active use of existing tools and cooperation channels, such as INTERPOL's new iARMS initiative, as well as to address important cross-cutting themes such as the human rights dimension of criminal investigation and prosecution of complex crimes.

### 2. Cooperation and information exchange

39. The Working Group recognized, in its recommendations to the Conference, the importance for States parties to exchange relevant information, including tracing information, enabling them to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. In this regard, the Working Group also recommended that States parties create mechanisms for the exchange of information on registration of firearms and databases on seizures of firearms, as well as information on trends and emerging modalities of organized crime related to illicit trafficking in firearms, its parts, components and ammunition.

40. UNODC focused on the promotion of international cooperation in criminal matters, including for the purpose of investigating and prosecuting cases on illicit trafficking in firearms, by including this topic as a part of its capacity-building components. UNODC explored the relevance of cooperation and information exchange received, the means to achieve it and included the existing best practices in a module of the firearms training curriculum. The topics were also included as a central theme in the training course on investigation and prosecution of firearms trafficking by focusing on its practical aspects.

41. Furthermore, UNODC promoted the need for cooperation and information exchange through regional and international meetings of practitioners. In November 2013, UNODC supported the regional meeting on international cooperation in Praia, Cabo Verde, where 15 countries from West Africa sent high-ranking prosecutors and representatives of their central authorities. The regional meeting was an example of synergies between UNODC's global programmes (GFP and Global Programme on Organized Crime) and their efforts to utilize their resources in an efficient manner. The participants discussed the challenges in prosecuting trafficking in firearms in the region stressing the need for producing relevant and admissible evidence. Participants also presented the links between firearms trafficking and other serious crimes and provided options for the

future actions of the prosecutors and representatives of the West African Central Authorities in combating trafficking in firearms.

42. In line with the recommendations of the Working Group, UNODC organized a regional conference in Dakar, Senegal, in February 2014, where the Office shared a concept note for the establishment of a regional information exchange mechanism, which will focus, in particular, on case-based exchanges of good practices and lessons learned, with particular regard to transnational cases of firearms trafficking and complex criminal investigations involving firearms. UNODC plans to organize two regional meetings in 2014-2015 to formalize the establishment of this information exchange mechanism.

43. Through its ongoing cooperation with MERCOSUR, UNODC has also contributed to promote and encourage further regional cooperation and information exchange. On several of these regional meetings, UNODC has been invited and has informed and shared with Member States relevant information on the status of the GFP implementation, the outcome of the regional legislative harmonization seminar held in Buenos Aires and the regional action plan developed by its participants, the findings of the regional cross analysis, as well as the objectives and proposed methodology for the conduct of a regional and a global study on firearms trafficking.

### 3. Increased knowledge on transnational firearms trafficking patterns and enhanced civil society engagement

#### Study on firearms trafficking

44. Understanding the dimension of firearms trafficking at national and regional levels has an important impact at policy and operational levels, both for Member States and the international community. Understanding the broader perspective of firearms trafficking contributes to the identification of global trafficking patterns, which can be exceptionally valuable information for law enforcement and judicial operators.

45. At its first meeting, the Working Group on Firearms recognized the relevance for States to adopt measures and standard procedures to allow for seizing, identification, confiscation and destruction of illicitly manufactured and trafficked firearms, their parts and components and ammunition, and, at the same time, underscored the relevance of appropriate record-keeping methods for seized, confiscated, destroyed or deactivated firearms. The Working Group also recommended States parties to create mechanisms for the exchange of information on registration of firearms and to establish databases on seizures of firearms, as well as information on trends and emerging modalities of organized crime related to illicit trafficking in firearms, their parts, components and ammunition.

46. UNODC is conducting the study requested by the Conference in resolution 5/4, with a view to monitoring the illicit trafficking flow of firearms. The implementation of the study and the accompanying technical assistance support provided by UNODC to requesting States are aimed at the implementation of the Working Group recommendations.

47. The background paper entitled "Challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components

and ammunition, and measures to facilitate the implementation of the Firearms Protocol"[3] provides further information on the relevance of monitoring illicit trafficking flows, the objectives and methodological aspects of the study, the challenges and good practices encountered to facilitate States' participation in the study, as well as UNODC's progress on the development of the study.

**Activities to support the development of the study**

48. Throughout the reporting period, UNODC has been engaged in a series of activities aimed at raising knowledge and awareness of the study, facilitating Member States' efforts to collect and submit the required data, and providing, where necessary, accompanying technical and advisory assistance.

49. UNODC has lead awareness-raising initiatives to widely disseminate the information on the conduct of the study to Member States, including through the holding of several side events in the margins of the twenty-second session of the Commission on Crime Prevention and Criminal Justice. UNODC organized meetings with each regional group in Vienna, providing extensive information on the ongoing data collection exercise, encouraging Member States to participate in the study, and soliciting the prompt appointment of national focal points. In several cases, additional follow up was provided via phone or e-mail. UNODC has also been seeking the support of its field office network, as well as of partner organizations, such as MERCOSUR and the OSCE, to widely disseminate the information on the study.

50. Through its Global Firearms Programme, UNODC is also providing ad hoc technical advice and support to Member States (primarily countries from West Africa, the Sahel region and South America), to strengthen their national data collection and analysis capacity. This has so far resulted in the inclusion, in national training activities and regional seminars, of dedicated sessions to address data collection and analysis challenges, in addition to practical exercises on record keeping, identification and tracing of firearms. By way of example, UNODC organized, from 25-27 February 2014, a regional meeting in Dakar, Senegal, in the framework of Strategy for countries in West Africa and the Sahel region, which was attended by representatives from eleven Member States. Among others, the meeting provided detailed information and training on accessing the Firearms Trafficking dedicated web portal and handling the data collection process with the two related study questionnaires. The seminar enabled operational as well as strategic exchanges between representatives of the National Commissions on Small Arms and Light Weapons, and criminal justice experts from Benin, Burkina Faso, Chad, The Gambia, Ghana, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal and Togo. Furthermore, from 24-28 March 2014, UNODC organized a national training course on investigation and prosecution of illicit firearms trafficking and related crimes, in La Paz, Bolivia, which was attended by 40 representatives from institutions responsible for firearms control.

51. On the technical side, UNODC is working in collaboration with the United Nations Development Programme (UNDP) and, separately, with the National Arms Registry (RENAR) of Argentina's Justice Ministry, to support efforts to provide technical assistance to Member States with reduced data registration and collection

[3] CTOC/COP/WG.6/2014/2.

capacity. For this purpose, UNODC is currently evaluating the suitability of several data registration and tracing software applications, with a view to enabling the recording of information on seized firearms and ammunition, as well as the sending and receiving of tracing requests, internationally.

52. Of equal importance is the ongoing assessment for the provision of firearms marking machines to interested Member States, without which the collection of data on tracing would simply not be possible.

**Cooperation with civil society**

53. UNODC included representatives of civil society organizations (CSO) in the implementation of the GFP. In the framework of the legislative cluster of activities, UNODC initiated cooperation with the Parliamentary Forum on Small Arms and Light Weapons, to promote greater awareness on the Firearms Protocol and their respective legislative reform processes. The UNODC and the Parliamentary Forum have also developed a joint project proposal for submission to potential donors to complement their cooperation with more tailored awareness-raising and capacity-building events for national and regional parliaments in South America and Africa.

54. Furthermore, upon invitation by the Parliamentary Confederation of the Americas (COPA), UNODC participated in the General Assembly Meeting in October 2012 in Brasilia, Brazil, and delivered a presentation on the Firearms Protocol and the linkages with the ATT and their broader implications for law makers.

55. In West Africa, UNODC met on several occasions with the national chapters of the West African Action Network on Small Arms (WAANSA), and placed specific emphasis on the need to support, through the project, the civil society groups in Mauritania, which were not part of any regional and international CSOs networks.

56. In South America, UNODC has worked with the Latin American Coalition against Armed Violence (CLAVE), and coordinated the participation of civil society organizations from participating countries in the regional seminar held in Buenos Aires in June 2012. UNODC has also established a close cooperation with the Brazilian NGO Viva Rio, to develop specialized training modules and a dedicated training course for CSOs, and to actively participate in national training activities.

57. UNODC worked with CSOs representatives from Argentina, Bolivia, Brazil, Burkina Faso, Chile, Mauritania, Paraguay, Senegal and Uruguay on specific issues related to the national legislation on firearms. In particular, UNODC organized meetings in South America with representatives from the Network for Disarmament (Argentina), Viva Rio (Brazil), IELSUR (Uruguay), CIJEP (Bolivia), Amnistía (in Chile and Paraguay). UNODC was in contact with SERPAJ-E (Ecuador) and ISDHI (Peru), who have participated in the regional seminar on legislative harmonization, organized by UNODC in June 2012.

58. Representatives of the relevant CSOs participated in the training course on investigation and prosecution of firearms trafficking, organized by UNODC in October 2013 in Ghana, Senegal and, in March 2014, in La Paz, Bolivia.

## D. Technical assistance for the implementation of the Firearms Protocol

### 1. Implementation of firearms collections and destruction campaigns

59. In May 2012, UNODC participated in the destruction of 1,045 firearms in the framework of the "National Voluntary Surrender of Firearms Program" established by Argentina in 2007. Both Argentina's and Brazil's experience have been widely acknowledged as good practices by other Latin American countries, several of which have requested support from UNODC to develop similar national collection campaigns and to implement cost effective disposal methods for firearms and explosives, based on the experiences and lessons learned from other countries in the region.

60. During the regional seminar on legislative harmonization in July 2012 in Buenos Aires, representatives from Argentina and Brazil shared their experiences on the development of national arms collection and voluntary surrender programmes. As a result, UNODC was requested to assist and advise several countries in the region in the development of national campaigns for the voluntary surrender, collection, management and disposal of such firearms, and to assist them in the identification of the most suitable and cost-effective destruction method according to their specific national context and possibilities. UNODC was also contacted by Ecuador to provide support in the design of a comprehensive national campaign.

61. Under the Sahel component of the GFP, UNODC received funding from the Government of Japan for the implementation of collection and destruction campaigns in two Sahel countries. In March 2014, UNODC undertook needs assessment for the development and implementation of awareness-raising campaigns for the voluntary surrender of firearms in Niger, and, subsequently, for the destruction of the collected firearms and the seized illicitly-trafficked firearms. These activities will be implemented jointly with the national commission on small arms and other relevant international partners.

62. UNODC is in the process of drafting a joint workplan with the National Commission on Small Arms of Senegal for the implementation of firearms collection and destruction activities in the country.

### 2. Increased security and effective record keeping for firearms, in particular seized ones

63. The Working Group also recommended to the Conference to urge States parties to adopt measures and standard procedures within their domestic legal systems for seizing, identification, confiscation and destruction of illicitly manufactured and trafficked firearms, their parts and components and ammunition, including appropriate record keeping of seized, confiscated, destroyed or deactivated firearms.

64. UNODC focused on the development of proposals for enhancing the security of storage rooms for seized firearms within the police services, courts and institutions involved in the investigation of firearms offences. UNODC discussed specific assistance needs in this field with various countries in West Africa and South America, in particular the adoption of secure standard operating procedures

for seized and confiscated firearms, and their secure and safe management and final disposal.

65. In Africa, a joint proposal for funding was prepared with UNREC, the regional centre of the United Nations Office for Disarmament Affairs for Africa, based in Lome, Togo, for strengthening the criminal justice response in the Sahel region to firearms trafficking and providing technical assistance in small arms and light weapons (SALW) control. This proposal will further expand the activities of UNODC in the Sahel region for providing increased security for the storage of seized firearms within law enforcement agencies.

66. In South America, UNODC could build on Argentina's accumulated experience in the development and management of integrated record-keeping systems, to promote and facilitate direct south-to-south cooperation between Argentina and Bolivia, and to assist the latter in the development of a national registry for firearms, in line with the recently adopted firearms law Nr. 400 of 2013. UNODC will support this process through its GFP, and provide, where required, accompanying technical support and legislative advice for the regulation and implementation of the national firearms regime.

67. UNODC is in the process of exploring the development of a record-keeping solution for seized firearms with interested international organizations and State parties, which will allow for better accountability and increase the capacity of national authorities to monitor and analyse information about firearms trafficking.

#### 3. Support for marking of firearms

68. Since 2012, UNODC and UNODA share information about their activities in West Africa, and identify complementary areas in the implementation of activities related to marking. UNODC and UNODA coordinated their activities for the identification of countries to receive marking machines and training in 2014-2015. The two organizations will provide assistance in order to incorporate existing obligations for import marking in domestic legislation and development of standard operational procedures for marking of firearms.

## IV. Coordination and cooperation with international and regional partners

### A. Cooperation within the United Nation

69. UNODC participated in several inter-agency initiatives on firearms and continues to cooperate with relevant organizations and entities with the aim of strengthening partnerships, promoting the Firearms Protocol and advocating for more integrated approaches to firearms control matters.

#### 1. Inter-agency initiatives

70. UNODC continued its participation and contributions to the work of the Coordinating Action on Small Arms (CASA), which is the United Nations system-wide coordination platform established by the Secretary-General to promote exchange of information and coordination on ongoing initiatives. It is composed of

22 United Nations bodies, working from different angles on the prevention of armed violence and mitigation of the impact of small arms and light weapons (SALW) on societies, communities and individuals, through their specific field of action. Through CASA, UNODC provided regular information to all CASA partners on UNODC's activities and on the work of the Conference of the Parties. In addition, CASA produced joint statements and reports, to which UNODC has substantively contributed.

71. UNODC provided further inputs to the process of development of ISACS within the CASA Reference Working Group. The development of the standards has reached its final stage and the current focus is on the legislative and regulatory modules.

### 2. Cooperation with other United Nations entities

72. UNODC closely coordinated the delivery of technical assistance and capacity-building activities in West Africa through regular meetings at senior management and expert levels. An example of successful cooperation is the development of a joint proposal for addressing the trafficking in firearms and small arms control issues in the Sahel region.

73. In the framework of the implementation of the GFP, UNODC coordinates its field activities with the relevant regional and national offices of the United Nations Development Programme through regular meetings, updates and invitations to participate in the events organized by UNODC.

## B. Cooperation with other international and regional organizations

### 1. European Union

74. UNODC maintained close cooperation with the European Union (EU) in a number of subject areas. The EU is currently one the major donors to UNODC's work on firearms. UNODC maintained regular contacts with various services of the EU, both at Headquarters (HQ) level and with its Delegations. UNODC always extended invitations to EU HQ and EU delegations to participate in its activities and provided regular briefings on the progress of the implementation of GFP.

75. In 2013, the EU adopted a new Multi-Annual Strategic Plan, which identified the illicit firearms trafficking as a major priority for EU members. Enhanced dialogue took place between UNODC and the EU to streamline their respective areas of work, and to coordinate, where possible, their work, with regard to the comprehensive firearms study, or in promoting legislative harmonization, including criminalization of the offences contained in the Firearms Protocol.

### 2. International Criminal Police Organization (INTERPOL)

76. INTERPOL and UNODC are currently implementing, with the financial support of the European Union, two separate but complementary projects on firearms in similar countries and regions, which have provided fruitful grounds for enhanced cooperation. UNODC received contributions from INTERPOL for the development of two modules of the firearms training curriculum.

77. Furthermore, UNODC invited INTERPOL's representatives to participate as experts in the training course on investigation and prosecution of firearms trafficking in Ghana and Senegal in October, 2012, and in La Paz in March 2014. Together with OSCE and UNODA, UNODC and INTERPOL also organized the first joint conference on marking and tracing in May 2013.

### 3. Regional organizations and networks

#### Mercado Común del Sur (MERCOSUR) and ECOWAS

78. UNODC has established cooperation with the Working Group on Firearms and Explosives of MERCOSUR, in order to mutually support the implementation of the Protocol and strengthen and support ongoing harmonization in the region. UNODC attended the Working Group Meetings, maintained regular contact with MERCOSUR's officials, and discussed forms of cooperation between the two organizations to contribute to strengthening the Working Group as a regular platform for cooperation and information exchange on firearms-related issues.

79. UNODC maintained regular contacts and invited officials from the Secretariat of the Economic Community of West African States (ECOWAS) to its events in West Africa.

#### Organization for Security and Cooperation in Europe (OSCE)

80. UNODC and OSCE have multilevel cooperation within the area of fighting illicit firearms: both organizations have supported each other in developing their policy documents and mandates and have regularly consulted with each other during the elaboration of their technical tools on implementation, with the goal of ensuring consistency and synergy of available resources.

81. In May 2013, UNODC and OSCE further substantiated their cooperation by jointly planning and organizing a regional conference on Tracing Illicit Firearms to promote practical solutions on this issue among the OSCE Member States.

82. In July 2013, the OSCE was invited to participate in the Firearms Expert Group Meeting on the development of a training curriculum on firearms. The OSCE invited UNODC to deliver a presentation at the Asian Contact Group meeting, in November 2013 and address the Forum for Security Cooperation (FSC) in March 2014. UNODC and OSCE experts held regular consultations on their current activities and kept each other apprised of their plans.

## V. Proposed recommendations and activities to promote and support the ratification and implementation of the Firearms Protocol

83. The Working Group may wish to consider ways of ensuring sustained financial and technical assistance to implement the recommendations and proposed activities reproduced below, especially by providing assistance to countries in post-conflict situations and least developed countries.

84. The Working Group may wish to consider the recommendations and proposed activities provided below for possible inclusion in the report on the activities of the

Working Group to be presented to the Conference for its consideration, in accordance with resolution 6/2.

## A. Recommendations

85. The Conference may wish to urge Member States that have not yet done so to ratify or accede to the Firearms Protocol.

86. The Conference may wish to urge States Parties to strengthen their criminal legislation and to introduce the criminal offences envisaged in the Firearms Protocol, including appropriate sanctions that are commensurate with the nature and gravity of the offence.

87. The Conference may wish to urge States parties to strengthen national capacities to conduct investigations and prosecutions involving firearms and their links to organized crime.

88. The Conference may wish to urge States parties to establish national monitoring mechanisms to regularly collect and analyse firearms data and to facilitate the sharing of knowledge and expertise on firearms specific topics among relevant services.

## B. Activities proposed by the United Nations Office on Drugs and Crime

89. UNODC should produce an annual study survey on firearms trafficking based on the information provided by States on seized firearms, and provide, to this end, technical assistance to countries requiring such support in order to participate in the study.

90. UNODC should organize at least three regional and three national pre-ratification workshops in regions with low ratification levels and for countries interested in exploring the possibility of becoming a party to the Protocol.

91. UNODC should intensify the provision of specialized training and capacity-building activities to States on the investigation and prosecution of firearms-related offences and the application of the Organized Crime Convention for this purpose.

92. UNODC should promote information exchange through regular training workshops at national, regional and cross-regional level on international cooperation in criminal matters.

93. UNODC should facilitate the establishment of regional networks of specialized firearms experts to facilitate the exchange of information and experience with regard to the investigation and prosecution of firearms trafficking cases and their links to organized and other serious crimes.

94. UNODC should continue to develop, as appropriate, relevant technical assistance tools on firearms.

United Nations CTOC/COP/WG.6/2014/4

# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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## Report on the meeting of the Working Group on Firearms held in Vienna from 26 to 28 May 2014

## I. Introduction

1. In its resolution 5/4, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

2. In that resolution, the Conference also decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could better implement the provisions of the Firearms Protocol; (c) assist the Conference in providing guidance to its secretariat on the activities of the Secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol; and (d) make recommendations to the Conference on how the working group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

3. In its resolution 6/2, entitled "Promoting accession to and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", the Conference expressed its appreciation for the work of the Working Group on Firearms at its first meeting,

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held in Vienna on 21 and 22 May 2012, and took note of the recommendations contained in its report (CTOC/COP/2012/6). In the same resolution, the Conference requested the Working Group to continue advising and assisting the Conference in the implementation of its mandate with regard to the Firearms Protocol, in accordance with Conference resolution 5/4, and decided that the Working Group should hold at least one intersessional meeting.

4. Also in its resolution 6/2, the Conference invited the Working Group to consider practical proposals for implementing the recommendations formulated at its first meeting and encouraged States, through the Working Group, to present their views and comments on the implementation of the Firearms Protocol, including those relating to factors that might impede accession, ratification or implementation, as well as on its strong points, good practices and progress made with its application, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

5. Furthermore, in the same resolution, the Conference requested the Secretariat to inform the Working Group about the activities of the United Nations Office on Drugs and Crime (UNODC) to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and capacity-building, and awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

# II. Recommendations

6. At its meeting held in Vienna from 26 to 28 May 2014, the Working Group on Firearms adopted the recommendations presented below.

## A. General recommendations

*Recommendation 1*

The Conference may wish to encourage States to continue to implement the recommendations adopted by the Working Group at its first meeting, which were reaffirmed by the Group at its second meeting.

## B. Promoting universal adherence to the Firearms Protocol

7. Acknowledging the importance of the Firearms Protocol as the only global legally binding instrument to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the Working Group made the following recommendations:

*Recommendation 2*

The Conference may wish to welcome the increased rate of ratifications of and accessions to the Firearms Protocol and should call upon States that have not yet done so to consider becoming parties to the Firearms Protocol.

## C. Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations

8. Emphasizing the importance of States' putting in place adequate legislative frameworks, including appropriate criminalization provisions, enhanced technical capacities and skills of practitioners for conducting complex criminal investigations on illicit firearms trafficking and related serious crimes, and of their engaging in more comprehensive international cooperation in criminal matters, including through more effective marking, record-keeping and tracing practices, and recognizing the usefulness of relevant tools such as the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* and the *Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, and the use of forensic and ballistic information and joint investigative teams, the Working Group made the following recommendations:

### 1. Strengthening national legislation

*Recommendation 3*

The Conference should call upon States parties that have not yet done so to review and strengthen their national legislation, consistent with the Firearms Protocol, inter alia through adequate criminalization provisions and appropriate sanctions, commensurate with the nature and gravity of the offence.

### 2. Investigation and prosecution

*Recommendation 4*

The Conference may wish to urge States parties to consider the use of available tools, including those for marking and record-keeping, to facilitate the tracing and investigation of firearms trafficking.

*Recommendation 5*

The Conference may wish to encourage the use of forensic and ballistic tools to promote cooperation among States in international firearms trafficking investigations.

*Recommendation 6*

The Conference may wish to urge States parties to develop and provide training programmes to build capacities for relevant government authorities, including law enforcement, customs, prosecution and judicial authorities, on firearms trafficking investigations and related matters.

### 3. Tracing and international cooperation

*Recommendation 7*

The Conference may wish to encourage States parties to comprehensively trace all firearms that may have been illicitly manufactured or trafficked.

*Recommendation 8*

The Conference may wish to encourage States parties to conduct continuous capacity-building and training activities for law enforcement, judicial and customs authorities on the identification and tracing of firearms.

*Recommendation 9*

The Conference may wish to encourage States parties to promote the regular exchange of experiences on different methods and tools to combat the illicit trafficking in firearms, their parts and components and ammunition, including marking in accordance with the Firearms Protocol.

## D. Monitoring illicit trafficking flows in firearms at the national, regional and global levels

9. Recognizing that it is important for States to enhance their national capacities to collect and analyse firearms statistics and data, and the usefulness of monitoring illicit trafficking flows at the national, regional and international levels, with a view to enhancing global knowledge and identifying possible trends, patterns and modi operandi in illicit firearms trafficking, as well as facilitating the exchange of information among States; welcoming the progress made on the global study on firearms trafficking, conducted by UNODC pursuant to Conference resolutions 5/4 and 6/2; and taking note of its preliminary findings, the Working Group made the following recommendations:

*Recommendation 10*

The Conference may wish to encourage States parties to develop or strengthen coordination among relevant and competent national authorities, with a view to enhancing capacities for statistics and data collection, analysis and information-sharing related to illicit firearms trafficking.

*Recommendation 11*

The Conference may wish to encourage Member States to share information on the terms and concepts they use in relation to firearms, their parts and components and ammunition, with a view to establishing equivalent terminology and facilitating the tracing of firearms.

*Recommendation 12*

The Conference may wish to call upon Member States to strengthen the capacities of practitioners to make the best use of available tools to identify and trace firearms, in a manner consistent with the Firearms Protocol.

*Recommendation 13*

The Conference may wish to encourage UNODC to continue its efforts towards completing the global study on firearms and to invite Member States to participate in and to contribute to the global study, as appropriate.

*Recommendation 14*

The Conference may wish to invite Member States to continue providing information to UNODC on illicit trafficking in firearms, based on the questionnaires issued for the global study on firearms.

*Recommendation 15*

The Conference may wish to encourage UNODC and States parties to cooperate with all relevant stakeholders, as appropriate, in the gathering of statistical information and analysis related to illicit trafficking in firearms.

## E. Challenges and good practices in the prevention of the illicit manufacturing of firearms

10. Emphasizing that it is important for States parties to keep abreast of emerging technologies and trends related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the Working Group made the following recommendations:

*Recommendation 16*

The Conference may wish to encourage States parties to establish and strengthen their national system of export and import licensing or authorization over firearms, their parts and components and ammunition, in accordance with the Firearms Protocol, with a view to preventing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

*Recommendation 17*

The Conference may wish to encourage States parties to review their national legislation to ensure its adequacy in the light of new and emerging trends and technologies for firearms manufacturing or trafficking.

*Recommendation 18*

The Conference may wish to request UNODC and to encourage States parties to cooperate with all relevant stakeholders in the field of awareness-raising related to the illicit manufacturing of and trafficking in firearms, in particular with the private sector, academia, civil society and the media.

## F. Recommendations on the provision of technical assistance

*Recommendation 19*

The Conference may wish to acknowledge the work carried out by the UNODC Global Firearms Programme to raise knowledge and awareness of the Firearms Protocol, and to request UNODC to continue to make efforts to promote and facilitate ratification and implementation of the Protocol, especially in regions with low ratification rates.

*Recommendation 20*

The Conference may wish to recommend that the Secretariat should continue to provide technical assistance and build capacity for the implementation of the Firearms Protocol.

*Recommendation 21*

The Conference may wish to encourage Member States and other donors to consider providing extrabudgetary resources to UNODC for the provision of technical and legislative assistance to Member States, upon request, to accede to and implement the Firearms Protocol.

## G. Future work of the Working Group

11. Welcoming the fruitful discussions of the Working Group and recognizing its important role as facilitator in the exchange of expertise and knowledge among practitioners on ways to enhance the implementation of the Firearms Protocol, and concerned by the lack of adequate resources to support the work of the Working Group, the Group made the following recommendations:

*Recommendation 22*

The Conference may wish to acknowledge the work of the Working Group and to encourage States to continue using the Group to exchange views and comments with regard to the Firearms Protocol, including on challenges faced in the ratification and implementation of the Protocol, as well as on good practices and successes in its implementation, with a view to reinforcing cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

*Recommendation 23*

The Conference may wish to endorse the recommendations adopted by the Working Group and to take note of the fruitful exchange of information concerning good practices and experiences, including contributions from Member States and other relevant stakeholders facilitated in the Working Group.

*Recommendation 24*

The Conference may wish to consider options regarding adequate resources and cost-efficiencies to support the work of the Working Group.

*Recommendation 25*

The Conference may wish to call upon States parties to continue seeking the cooperation of licensed manufacturers in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including in view of the deliberations of the Working Group.

*Recommendation 26*

Recalling Conference resolution 5/4 and taking into consideration articles 32 and 37 of the Convention, the Conference may wish to request States parties and UNODC to continue to promote the full implementation of the Convention and of the Firearms Protocol, with a view to identifying successful practices, weaknesses, gaps and challenges, as well as priority issues and topics of relevance in the fight against trafficking in firearms.

*Recommendation 27*

The Conference may wish to consider initiating discussions regarding a possible workplan for the future meetings of the Working Group on Firearms.

# III. Organization of the meeting

## A. Opening of the meeting

12. The second meeting of the Working Group on Firearms was held in Vienna from 26 to 28 May 2014.

13. The meeting was opened by Cecilia Villanueva Bracho (Mexico), Chair of the Working Group. She addressed the meeting and presented an overview of the mandate of the Group, its objectives and the subject matters under its consideration.

14. Under agenda item 1 (b), statements were made by representatives of the following States parties to the Firearms Protocol: Algeria, Ecuador and Romania. The European Union, a regional economic integration organization that is a party to the Firearms Protocol, also made a statement. A statement was made by the observer for Canada, a signatory State. A statement was also made by the observer for the United States of America.

15. At the opening of the meeting, a statement was made by the representative of Indonesia (on behalf of the Group of 77 and China). Statements were also made by representatives of the following States parties to the Firearms Protocol: Switzerland and Ecuador. The European Union also made a statement.

16. An opening statement was made by the Chief of the Organized Crime and Illicit Trafficking Branch.

## B. Statements

17. The Secretariat made introductory statements under agenda items 2, 3 and 4.

18. With the Chair presiding, the discussion under items 2, 3 and 4 was led by the following panellists: William F. Kullman (United States), Mauro Silvis (Italy), Jeffrey B. Stirling (International Criminal Police Organization (INTERPOL)), Francesco Troja (European Union), Salvatore Cannata (Eurojust), Matías Molle (Argentina), Santiago Balza (Argentina), Ovidiu Enache (Romania) and Glenn McDonald (Switzerland).

19. Statements were made by representatives of the following States parties to the Firearms Protocol: Costa Rica, Kenya, Italy, Mexico, Nicaragua, Peru, Guatemala, Algeria, Argentina, Chile, Switzerland, Trinidad and Tobago, Spain, Bulgaria, Ecuador, Austria, Brazil, Lebanon, Venezuela (Bolivarian Republic of), El Salvador, Romania, Uruguay, Cuba and Norway. The European Union, a regional economic integration organization that is a party to the Firearms Protocol, also made a statement.

20. The observers for the signatory States Canada and China made statements.

21. Statements were also made by the observers for the United States, Iran (Islamic Republic of), France, the Russian Federation, Pakistan and Colombia.

22. Statements were also made by the Regional Arms Control Verification Implementation Assistance Centre (RACVIAC) and the World Customs Organization (WCO).

## C. Adoption of the agenda and organization of work

23. At its 1st meeting, on 26 May 2014, the Working Group adopted by consensus the following agenda:

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.
2. Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations.
3. Monitoring illicit trafficking flows in firearms at the national, regional and global levels.
4. Challenges and good practices in the prevention of the illicit manufacturing of firearms.
5. Other matters.
6. Adoption of the report.

## D. Attendance

24. The following States parties to the Firearms Protocol were represented at the meeting: Algeria, Argentina, Armenia, Austria, Belarus, Belgium, Bosnia and

Herzegovina, Brazil, Bulgaria, Burkina Faso, Chile, Costa Rica, Cuba, Cyprus, Ecuador, El Salvador, Guatemala, Iraq, Italy, Kenya, Latvia, Lebanon, Libya, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Oman, Panama, Peru, Poland, Portugal, Romania, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Uruguay and Venezuela (Bolivarian Republic of).

25. The European Union, a regional economic integration organization that is a party to the Firearms Protocol, was represented at the meeting.

26. The following States signatories to the Firearms Protocol were represented by observers: Australia, Canada, China and Germany.

27. The following States that are not parties or signatories to the Firearms Protocol were represented by observers: Bolivia (Plurinational State of), Colombia, Egypt, France, Indonesia, Iran (Islamic Republic of), Jordan, Pakistan, Philippines, Russian Federation and United States.

28. The State of Palestine, a non-Member State maintaining a permanent observer mission to the United Nations, was represented at the meeting.

29. The following intergovernmental organizations were represented by observers: RACVIAC, Eurojust, INTERPOL, Organization for Security and Cooperation in Europe, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and WCO.

30. A list of participants is contained in document CTOC/COP/WG.6/2014/INF/1/Rev.1.

### E. Documentation

31. The Working Group had before it the following documents:

(a) Provisional agenda and annotations (CTOC/COP/WG.6/2014/1);

(b) Challenges and good practices in countering illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and measures to facilitate the implementation of the Firearms Protocol (CTOC/COP/WG.6/2014/2);

(c) Activities of the United Nations Office on Drugs and Crime to promote and support the ratification and implementation of the Firearms Protocol (CTOC/COP/WG.6/2014/3).

## IV. Adoption of the report

32. On 28 May 2014, the Working Group adopted the report on its meeting (CTOC/COP/WG.6/2014/L.1, as orally amended).